

REMARKS

Pending Claims

Claims 3 - 9 and 11 - 15 are pending in the application, amendments having been made to claims 3, 4, 7, 9, 11, 13, 15 to overcome the rejections and objections based upon 35 U.S.C. § 112 and to more particularly define and describe the invention. Reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Extensive amendments have been made to claims 7, 9, 11, and 15, in particular, to overcome the Examiners rejections under 35 U.S.C. 112, second paragraph. More particularly, references to the side walls in the claims have been clarified throughout and to make clear to which particular side walls reference is made. References to a channel have also been clarified. Typographical errors have been corrected, and the reference to “means” in line 8 of previous claim 15 has been removed. The term “smoothly” in claim 15 has been deleted. Amendments have been made to clarify the terms are joined and matching the corner. The article “the said” has been changed to “said.” Other amendments have been made as more particularly discussed below.

Claim Rejections - 35 U.S.C. 103(a)

Claims 3 - 6, 8, 9 and 11 - 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.K. patent publication No. 2 311 799 (hereinafter “GB ‘799”) in view of Christian (U.S. Patent No. 5,493,814). These rejections are respectfully traversed for the reasons set forth below.

After discussing GB ‘799 and Christian, the Office Action suggests that

the applicant amend the claims to more specifically recite a patentable feature of the third side covering the insert so as to cover it from view. The language “overlie” is too broad to patentably recite the applicant's invention.

Accordingly, the applicant has followed up on the Office Action's suggestion by amending the independent claims 9 and 15 accordingly. More specifically, the “window opening,” as referred to in these claims, has been defined as being positioned between a “first environment” and a “second environment” -- that is, the window opening and the glass therein separates these two “environments.” Language has further been introduced to specify how the “third side wall” is positioned and sized to overlie the “insert” or “insert wall” so as to cover it from view when seen through the window glass in the direction from one of the two specified “environments” to the other. This thus sets forth the function and structure of the “third side wall” in a manner which distinguishes these claims from the teaching of any combination of Christian and GB ‘799.

The points raised by the Office Action in connection with this alleged teaching will now be considered in more detail.

The Office Action takes the view that Christian shows a “third” side wall (side wall 42) and that this disclosure renders it obvious to add a “third” side wall to GB ‘799, thereby teaching the invention of claims 9 and 15. This suggestion is respectfully traversed.

As has been previously set forth in the last Amendment, the “third” side wall (wall 42) in Christian is integrally joined to the adjacent outside channel wall (wall 24), thereby to form a hollow chamber. In the invention, the third side wall is free of the corresponding outside channel wall (wall 24 in the invention, see Figures 3 and 4) -- both such side walls being “physically cut through to separate [respective] distal edge portion[s]” (see language, *e.g.*, of claim 9). The alleged third side wall of Christian would therefore not be seen as a “free” side wall (that is, a wall having a “distal edge portion”), but merely as part of the total wall

surrounding and forming a hollow chamber.

The Office Action states that Christian is not being cited for the specific structure of its third wall but “for the general concept of having three walls in a channel arrangement.” However, beyond the fact that there is no suggestion to make such a modification, it is respectfully submitted that any disclosure of such a “general concept” is not sufficient (in conjunction with GB ‘799), to teach the invention. Merely adding a “third side wall” to GB ‘799 (even if Christian does disclose a “third side wall” - which applicant does not admit) would not produce the invention of claim 9 or the invention of claim 15; significantly more would be inventively required in order to ensure that the third side wall achieved the invention’s aim of covering the insert from view in a predetermined direction through the window glass. More specifically, the penultimate paragraph of claim 9 and the last paragraph of claim 15 both require that the insert wall be covered from view “through the window glass in the direction from the second environment to the first environment,” the “first” and “second” environments being defined in the first and second paragraphs of those claims. The proposed modification of GB ‘799 simply would not satisfy the language of these independent claims and the claims depending therefrom.

In the invention as defined in claim 9, the outside side wall (the wall adjacent the third side wall) has its distal edge region cut through, and an enlarged “insert wall” inserted at the corner of the window opening. The distal edge region of the third side wall is also cut through and bridges the corner of the window opening and is positioned and sized to overlies the insert wall and to cover it from view (as set forth in more detail in the claim itself). Even if a person skilled in the art were to consider Christian of possible relevance to the invention (which is not admitted), such a person would obtain no teaching from Christian as to how the third side wall could be used to cover the insert wall - for example, the need to cut through its distal edge region and to bridge it across the corner of the window opening, let along the need to position and size it in the required manner (see the detailed language relating to this in the penultimate paragraph of claim 9).

In the invention as defined in claim 15, which in some respects defines the invention in more detail than in claim 9, the base and parts of the side walls of the window channel arrangement which have been physically separated from the distal edge regions form a "channel portion" which is completely removed, and then a predetermined insert of channel-shape is inserted instead, this insert having side walls which extend to and are respectively secured to the physically separated distal edge regions of the first, second and third side walls of the channel arrangement (see the detailed language relating to this in the third from last paragraph of claim 15). In this way, the distal edge region of the third side wall of the window channel arrangement is able to substantially overlies the first side wall of the insert and to cover it from view through the window glass in the direction from one of the "environments" to the other. Clearly, any disclosure of a "third side wall" which there may be in Christian (the applicant does not admit any such disclosure) can provide no disclosure or teaching of the manner in which such an insert can be inter-related with the third side wall.

Applicant also draws attention to the fact that the window channel disclosed in Christian includes an embedded metal carrier or reinforcement 62 which extends through the base of the channel and the channel side walls. In carrying out applicant's invention, the side walls of the channel have to be cut through. Any cutting operation in the arrangement of Christian would necessitate cutting through the metal carrier. This is another reason why a person skilled in the art would dismiss any possible relevance of the teachings of Christian to the invention.

For the reasons discussed, therefore, it is submitted that claims 9 and 15 are patentably distinguished over the cited prior art.

The remaining claims in the application are dependent directly or indirectly on claim 9 or on claim 15 and are therefore allowable along with the parent claim.

The Office Action rejects claim 7 under 35 U.S.C. 103 (a) as being unpatentable over GB '799 in view of Christian as applied to the other claims, and further in view of Kawai (U.S. Patent No. 6,185,869). However, as previously argued, Kawai tends to emphasise the patentable distinction of claim 7. In Kawai, the molded insert replaces the whole of the channel at the corner - whereas, in the claimed invention, the insert replaces only part of the channel (see the third and fourth from last paragraphs of claim 15 on which claim 7 depends). Thus, Kawai would tend to teach the skilled person away from the invention of claim 7.

On May 25, 2004, the Examiner suggested certain amendments to some of the claims. Many of these amendments have been incorporated into the claims, as set forth above. Some, however, have been altered. In particular, the Office Action has proposed an amendment at the end of claims 9 and 15 to specify that the "distal edge portion" or "lip" of the "third side wall" extends "from the base of said insert a distance greater than a distance said second side wall of said insert extends from said base of said insert." The Examiner suggests that this better defines the effect of the third side wall in covering the "insert" from view. However, Applicant respectfully submits that the wording adopted at the end of claims 9 and 15 as now presented better defines the construction and operation of the third side wall in this respect, in conjunction with the reference to the "two environments" separated by the window opening and the direction in which the third side wall is viewed.

Thus, all the claims now in the application are believed to be patentable over the cited art applied thereto.


Conclusions

In summary, claims 3 - 9 and 11 - 15 are in the application and are all believed to be allowable for the reasons stated. In view of the foregoing remarks, the application is considered to be in good and proper format for allowance, and the Examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone

In Re Appl. Of Maass
Application No. 10/069,650

conference would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


Pamela J. Ruschay, Reg. No. 34,242
Leydig Voit & Mayer Ltd.
Two Prudential Plaza
Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600

Dated: December 1, 2004